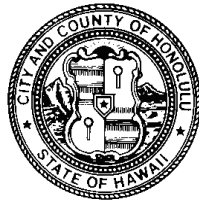


ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



CHARLES W. TOTTO
EXECUTIVE DIRECTOR &
LEGAL COUNSEL

MINUTES
ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU

Date and Place: August 19, 2013
Standard Financial Plaza
Conference Room, Suite 211

Present: Charles W. Gall, Esq., Chairperson
Rachael S. Wong, Dr.PH, Vice Chairperson
Michael A. Lilly, Esq., Commissioner
Katy Chen, Esq., Commissioner
Jeffrey Burroughs, Ph.D., Commissioner
Stephen Silva, Commissioner
Stanford Yuen, P.E., Commissioner
Charles W. Totto, Executive Director and Legal Counsel (EDLC)
Laurie A. Wong, Associate Legal Counsel (ALC)
Letha DeCaires, Commission Investigator
Tierra Bickford, Commission Po'okela Intern

Stenographer: Lisa Parker

I. CALL TO ORDER

The 471st meeting of the Ethics Commission ("Commission" or "EC") was called to order at 11:39 a.m. by Chair Gall.

The Commission had before it the memorandum regarding the Agenda Items for the August 19, 2013 Meeting, Open Session, dated August 12, 2013.

II. FOR ACTION: REQUEST FOR A MOTION TO APPROVE THE MINUTES OF
THE OPEN SESSIONS OF THE JUNE 19, 2013 AND JULY 15, 2013 MEETINGS

The EDLC informed the Commission that only the June 19, 2013 Minutes were given to them for approval. Chair Gall asked if anybody had any comments on the June 19, 2013 Minutes. Vice Chair Wong stated that in Section 5, "...working under Lisa" was colloquial. The EDLC responded that he would revise Section 5, and that after the second paragraph he will include a miscellaneous paragraph, based on the EC comments.

The Chair asked if there were any other comments, and since there were none, asked for a motion to adopt the Minutes with the changes discussed. Commissioner Yuen so moved, Commissioner Silva seconded and all were in favor.

III. OLD BUSINESS

A. Confirming the Date and Time of the September 16, 2013 Meeting

The meeting was moved to and confirmed for Monday, September 30, 2013 at 11:30 a.m.

B. Setting the Date and Time for the Meeting During the Week of October 14 – 18, 2013

Pursuant to the Commissioners' conflicting meeting dates, the October meeting will be held-over to November 6, 2013 at 11:30 a.m.

The Vice Chair asked the EDLC to go through the Administrative News.

IV. NEW BUSINESS

A. For Discussion: Administrative News

1. Introduction of Investigator Letha DeCaires and Po'okela Intern Tierra Bickford:

The EDLC introduce Letha DeCaires, the full-time Investigator. Ms. DeCaires introduced herself, and informed the Commission that she retired after working for the Honolulu Police Department for 27 ½ years, and that she was a former school teacher. She spent 14 years in her career as a detective and loved detective work, and that working as the Investigator for Ethics is an adventure and that it is good for her community, and very proud to be with the Ethics Commission, and thanked the Commission. The EDLC informed the Commission that she retired as a Captain.

The EDLC also introduced Tierra Bickford, the Po'okela student intern. Tierra Bickford introduced herself and informed the Commission that she is studying human resources at U.H., and that she graduates in December 2013.

2. Complaints and requests for advice statistics:
3. Website statistics:
4. Education and training statistics:

The EDLC informed the Commission that the requests for advice and complaints and the education and training statistics were clearly stated, moved on to the next item on the agenda.

5. Creation of and budgeting for an Assistant Executive Director and Legal Counsel Position and a Clerk Position for FY 2015:

The EDLC informed the Commission of the budget issues. Last year a plan was laid-out before the Department of Budget and Fiscal Services, as well as the Managing Director, as to what resources the EC needed, and we were allocated the Investigator position. The EDLC further informed the Commission that we still need support for the Legal Clerk, who does a lot with not only servicing the attorneys, but also need to take care of all the administrator issues, such as the 600 financial disclosures, the 100 lobbyists, and all the training. So she will need a lot of help. The EC needs either a part-time or a full-time lower level clerk for support. We tried to obtain the position last year, and will try again this year.

The EDLC also informed the Commission that the other position is the Assistant EDLC. The Associate Legal Counsel pay, regardless of who is in the position, essentially ends at \$82,000. The problem is the pay level at Corporation Counsel for someone with 10 years relevant experience is \$95,000. The Department of Human Resources (DHR) has given preliminary approval to adding a new position. We would still have the ALC position. The Assistant EDLC will handle more complicated cases and a portion of the administrative matters. The position will be in the excluded manager 3 series, which will allow for pay comparable to similarly experienced deputies at Corporation Counsel.

Chair Gall asked the EDLC why the executive director and the legal counsel were bundled into one job. The EDLC responded that the positions are separated in some larger commissions, where the executive director is the administrative head of the commission but does not get involved in legal matters. At the State, Les Kondo is the Executive Director and General Counsel.

Vice Chair Wong asked if the EDLC thought of a strategy as far as adding the other position and creating a budget for next year. The EDLC responded that it would be to create and fill the Legal Clerk I and Assistant EDLC positions in fiscal year 2015. The EDLC clarified that he wants to have the positions created and funded. Whether or not we need to have all three positions filled, is a separate question, but we would be more flexible considering the workload.

The EDLC will be contacting the Commission and the Chair regarding a letter that he will draft around the middle of September for their approval.

The EDLC further informed the Commission that the pay raises for our staff should be paid by City, and not by EC funds. Chair Gall asked what were the salary issues, and the EDLC explained that the Legal Clerk's pay is based on HGEA Unit 3, but the pay hike is delayed for the Legal Clerk. Our ASO is working on it. The ALC's pay is based on HGEA Unit 13, which the city's offered pay increase. Until we find out Unit 13's increase, we will not know what ALC's pay hike will be. The EDLC's pay is required to be on the EM-7, excluded manager 7 range, but the Commission sets his pay. For the Investigator, her salary is also based on HGEA Unit 13, and the Po'okela intern is paid by DHR.

The EDLC stated that in the past the Mayor had five major focal points for his budget. The fifth was good government, but that is not specifically listed this year. The EDLC further informed the Commission that he appreciated their support and the potential letter.

One added topic – additional office space for added personnel. Right now the Po'okela intern is sharing an office with the ALC.

6. Status of hiring a hearing officer for a contested case and setting the date for the contested case hearing:

The ALC informed the Commission that the contested case hearing dates have preliminarily been set, and a Stipulated Scheduling Order was sent over to Respondent's Counsel to confirm the dates, which are October 22 and 23 for the Hearing, at the Mission Memorial Annex conference room.

7. Council on Government Ethics Laws (COGEL) Conference:

The Legal Clerk distributed copies of the hand-out and flyer for the 2013 Annual COGEL Conference to the Commissioners. The deadline for registration is October 31, for the lower registration fee. The EDLC will keep the Commission posted as soon as he sees who is actually going to be giving the discussions.

Vice Chair Wong asked if our Commission is a member, and the EDLC confirmed. The EDLC further stated that he thinks there will be more Canadian speakers than COGEL would normally have.

8. For Information: Status of Bill 32 (2013)

The EDLC noted the Council proposal to require Oahu Transit Service (OTS) to develop its own ethics policy. The EC staff has been trying to get to the table. The Executive Matters and Legal Affairs (EMLA) Committee Chair Ron Menor has been trying to have all parties meet to discuss the issues – COR, OTS and the Department of Transportation Services (DTS), which oversees the OTS contract and OTS. The EDLC further stated that he has not been contacted by any of the other stakeholders. Chair Menor informed the EDLC that if they do not include the EC, he will make sure the EC is presented with all information before the hearings.

Chair Gall asked for a motion to conclude the open session and enter into the executive session. Commissioner Chen so moved, Commissioner Burroughs seconded and all were in favor.

V. EXECUTIVE SESSION SUMMARY

- A. For Action: Request for a Motion to Approve the Minutes of the Executive Sessions of the June 19 and July 15, 2013 Meetings.

The minutes of the executive session of June 15, 2013 were unanimously adopted.

- B. For Action: Request for a Motion to Approve and Adopt Staff's Draft Advisory Opinion Regarding the Contributions of Funds by the Mayoral Transition Committee for Transition , Official Inauguration and Mayoral Luau Expense.

The matter was continued to the next meeting.

- C. For Action: Request for a Motion to Approve and Adopt a Stipulation to Settle the Alleged Violation of the Standards of Conduct by Councilmember Ann Kobayashi.

The stipulated settlement was unanimously adopted, no recommendation for additional discipline would be made to Council, and the proposed advisory opinion was unanimously adopted.

VI. ADJOURNMENT

A motion to conclude the executive session was made by Commissioner Lilly and seconded by Commissioner Silva. All were in favor.

Commissioner Burroughs moved to adjourn the meeting and Commissioner Silva seconded. All were in favor.